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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/676,497	09/30/2003		Todd A. Werpy	13053-E-DIV2	8557
21567	7590	06/27/2005		EXAM	INER
WELLS ST			PRICE, ELVIS O		
601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201				ART UNIT	PAPER NUMBER
•				1621	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/676,497	WERPY ET AL.				
Office Action Summary	Examiner	Art Unit				
	Elvis O. Price	1621				
The MAILING DATE of this communication of the Period for Reply	ation appears on the cover sheet w	ith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNIC. - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this commun. - If the period for reply specified above is less than thirty (30) of the period for reply is specified above, the maximum statut. - Failure to reply within the set or extended period for reply will Any reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).	ATION. 37 CFR 1.136(a). In no event, however, may a rication. days, a reply within the statutory minimum of thir tory period will apply and will expire SIX (6) MON I, by statute, cause the application to become AE	ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed	on					
2a) This action is FINAL . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the						
closed in accordance with the practice	in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>10-16</u> is/are pending in the ap	Claim(s) <u>10-16</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.					
4a) Of the above claim(s) is/are						
5)⊠ Claim(s) <u>12-16</u> is/are allowed.						
6)⊠ Claim(s) <u>10 and 11</u> is/are rejected.						
7) Claim(s) is/are objected to.	•					
8) Claim(s) are subject to restriction	on and/or election requirement.					
Application Papers						
9) The specification is objected to by the B	Examiner.					
10) The drawing(s) filed on is/are: a	a) accepted or b) objected to	by the Examiner.				
Applicant may not request that any objection						
Replacement drawing sheet(s) including the	ne correction is required if the drawing	(s) is objected to. See 37 CFR 1.121(d)				
11)☐ The oath or declaration is objected to b	by the Examiner. Note the attached	d Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
· · · · · · · · · · · · · · · · · · ·	ocuments have been received. ocuments have been received in A the priority documents have been	opplication No				
* See the attached detailed Office action		received.				
See the attached detailed Office action (tor a list of the certified copies not	received.				
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO3) Information Disclosure Statement(s) (PTO-1449 or PT Paper No(s)/Mail Date 9/30/03. 	D-948) Paper No(Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152)				

Application/Control Number: 10/676,497

Art Unit: 1621

DETAILED ACTION

Claims 10-16 are pending in the application.

Priority

Applicant has complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

Information Disclosure Statement

The information disclosure statement (IDS) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al. {4,511,744}.

Miyazaki et al. Disclose a method of making propylene glycol comprising reacting lactate (ethyl lactate) with hydrogen in the presence of a catalyst, wherein the lactate is converted with a yield of greater than 60% and the propylene glycol selectivity is greater than 80% (see Example 5).

Allowable Subject Matter

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The following is a statement of reasons for the indication of allowable subject matter: The subject matter of claims 12-16 is neither taught nor suggested by the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 571 272-0644. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571 272-0646. The fax phone numbers for the organization where this application or proceeding is assigned is 571 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Elvis O. Price

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June 23, 2005